STATE OF MICHIGAN

COURT OF APPEALS

In re J.J. GRINAGE, Minor.

UNPUBLISHED
October 2, 2014

No. 320195
Calhoun Circuit Court
Family Division
LC No. 2012-003594-NA

Before: MURRAY, P.J., and DONOFRIO and BORRELLO, JJ.

PER CURIAM.

Respondent-father appeals as of right the order terminating his parental rights to the minor child. Respondent's parental rights were terminated under MCL 712A.19b(3)(c)(*i*) (conditions of adjudication continue to exist), MCL 712A.19b(3)(c)(*ii*) (other conditions exist), MCL 712A.19b(3)(g) (failure to provide proper care and custody), and MCL 712A.19b(3)(j) (child will be harmed if returned to parent). We affirm.

Respondent makes two perfunctory arguments on appeal. His first argument, *in its totality*, is that "the evidence presented before the court was not clear nor was it convincing that Appellant's Parental Rights should be terminated. Based on the entire record,[1] we do not believe that the judge could make the decision to terminate Appellant's Parental Right's [sic]." The second argument is not anymore developed. It states (again in full) that "the best interest of the child is to be with his father. Although the father is not free today to provide housing and food for the minor child, we feel that to terminate the Appellant's Parental Rights will result in the child becoming a statistic. Appellant loves his son and wants to regain his parental rights someday. Appellant desires this and has a bond with the child." That is the full extent of respondent's arguments to this Court on review of a discretionary decision made by the trial court in what is typically a fact intensive case. As the prosecutor correctly argues, this is clearly not enough to obtain appellate relief. *Houghton v Keller*, 256 Mich App 336, 339; 662 NW2d 854 (2003).

We also point out, as did the prosecutor, that this is not the first time that respondent's

[1] And the "entire record" was not presented either, as the less than half page "factual summary" tells us nothing about what transpired during the termination proceedings, other than that termination occurred and respondent is currently imprisoned for at least 12 years for child abuse.

appellate counsel has submitted an inadequate brief such that certain issues raised were deemed waived. Four such decisions have been issued in the last two years. See *In re C E Llewellyn*, unpublished opinion per curiam of the Court of Appeals, issued July 23, 2014 (Docket No. 313504), p 2; *In re Thompson*, unpublished opinion per curiam of the Court of Appeals, issued April 10, 2014 (Docket No. 318071), pp 2, 4; *In re C McGillis*, unpublished opinion per curiam of the Court of Appeals, issued January 14, 2014 (Docket No. 315687), p 2; and *In re M Barker*, unpublished opinion per curiam of the Court of Appeals, issued October 15, 2013 (Docket No. 314805), p 5. This cannot continue. Either respondent's appellate counsel should immediately start to file briefs in compliance with the court rules, i.e., briefs that accurately and sufficiently explain why the particular facts of the case require reversal under the specific, applicable law, see MCR 7.212(C)(7), or if the client does not even have an arguably meritorious argument on appeal, he should file motions to withdraw explaining in detail why that is so. See MCR 7.211(C)(5). Filing deficient briefs is *not* an option.

In any event, we have independently examined the trial court record (and the prosecution thoroughly set the record out in its brief) and conclude that the trial court did not clearly err in terminating respondent's parental rights pursuant to MCL 712A.19b(3)(j), which permits termination when there is a "reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent." *In re White*, 303 Mich App 701, 713; 846 NW2d 61 (2014).

The record reveals that respondent was ordered to participate in parenting and counseling classes to address his anger management and parenting skills. Respondent only attended one parenting skills meeting. Moreover, respondent only met with his anger management counselor twice and did not meet with her after that, and he attended only 54 percent of his parenting time visits. Respondent was also ordered to obtain and maintain suitable housing during the course of the matter and was ordered to obtain and maintain a budget and to manage his finances appropriately, which he failed to do. Moreover, during the proceedings, respondent was convicted of first and second-degree child abuse pertaining to another child. See *In re Jackson*, 199 Mich App 22, 26; 501 NW2d 182 (1993) (evidence of a respondent's mistreatment of one child is probative of his treatment of others). Based on this record, the trial court was correct (or, in other words, did not clearly err) in concluding that the "return of the child to the parent may cause a substantial risk of harm to the child's life, physical health, or mental well being.'" *In re Trejo*, 462 Mich 341, 346 n 3; 612 NW2d 407 (2000). Because the trial court properly terminated respondent's parental rights under one statutory ground, we need not address the other statutory grounds for termination. *In re Powers Minors*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

The trial court's finding that termination of respondent's parental rights was in the minor child's best interests was also not clearly erroneous. *In re White*, 303 Mich App at 713. In determining whether termination of parental rights is in a child's best interests, the court "should consider a wide variety of factors that may include the child's bond to the parent, the parent's parenting ability, the child's need for permanency, stability, and finality, and the advantages of a foster home over the parent's home." *Id.* (citation and quotation marks omitted). Also relevant for consideration are "a parent's history of domestic violence, the parent's compliance with his or her case service plan, the parent's visitation history with the child, the children's well-being while in care, and the possibility of adoption." *Id.* at 714 (citation omitted).

Here, a DHS worker testified that the minor child was well adjusted to the foster home. The minor child bonded well with his foster parents and with his half-sister, who was placed in the same foster home. The minor child began to talk more after he was placed in foster care and was found to be developing age appropriately. The child was being provided food, clothing, shelter, and a safe living environment, something respondent was not able to provide. And, the foster home was willing to adopt the minor child. According to the DHS worker, the minor child would continue to benefit from a safe, stable, and nurturing environment. We thus conclude that the record supports the trial court's finding by a preponderance of the evidence that termination of father's parental rights was in the best interests of the minor child. *Id.*

Affirmed.

/s/ Christopher M. Murray
/s/ Pat M. Donofrio
/s/ Stephen L. Borrello